supplies to a belligerant. This principle has long since been settled in this country. *Sanctissima Trinidad,* 7 Wheat. 340, 16 *Am. & Eng. Enc. Law* (*2nd Ed.*), p. 1161.

FELLOW SERVANTS—INJURY TO EMPLOYEE—NOTICE TO SHIFT BOSS—NO NOTICE TO MASTER—NEGLIGENCE OF MASTER—INCOMPETENCE OF SERVANT.—WEEKS V. SCHARER, 111 Fed. 330 (Col.).—The plaintiff was injured owing to the incompetence of a fellow servant, which incompetence had been reported to a shift boss, who directed a gang of men and supervised their labor, but who had no authority to hire or discharge employees. *Held,* that the plaintiff had no cause of action against his employer, since he and the shift boss were fellow servants, and notice to the shift boss was not notice to the master.

Courts have differed much as to when a superior was and when he was not a fellow servant of an inferior. The present case reviews the decisions on this subject, and draws from them these deductions, viz., that every superior servant, charged with supervising the work of men under him, unless he is authorized to hire or discharge them, is simply a fellow servant, for whose negligence the master is not responsible, and further that only that agent or officer, who has authority to select, discharge, or suspend the servants of his master, may charge his master by his knowledge of their incompetence.

GUARDIAN AND WARD—SALE OF REAL ESTATE—SPECIAL BOND—OMISSION—VALIDITY OF SALE—HUGHES V. GOODALE, 66 Pac. 702 (Mont.).—By statute, it is provided that a guardian authorized to sell real estate, must, before sale, give bond to a probate judge. *Held,* that a sale by a guardian duly appointed and qualified, but who ommitted to give the special bond required was not void.

The provision that a sale bond shall be given is one of great importance to the rights of the wards and it has been generally held that such a provision is mandatory and not directory only, the bond being a condition precedent to validity of sale. *Am. & Eng. Enc.,* 3 ed. XV., p. 61; *Williams* v. *Morton,* 38 Me. 47. But some of the cases uphold the contrary view as expressed here. *Arrowsmith* v. *Harmonnig,* 42 Ohio St. 254.

MASTER AND SERVANT—LIABILITY OF CITY—COLLISION.—THE MAJOR REYBOLD, 111 Fed. 414 (Penn.).—A municipal corporation is liable in a court of admiralty for a collision, caused by the negligence of its servants in charge of an ice-boat, which it owned, and which was being operated under the directions of the corporation, it being immaterial whether such boat was employed in a municipal service or under orders which were ultra vires.

It seems well settled in this country that in courts of law municipal corporations are not liable for the negligence of its agents in doing acts ultra vires. *Thayer* v. *City of Boston,* 19 Pick. 516; *Smith* v. *City of Rochester,* 76 N. Y. 506; *Seele* v. *Deering,* 79 Me. 343; *Spring* v. *Hyde Park,* 137 Mass. 554. This case, however, is brought in a court of admiralty, and the present decision is based almost solely on *Workman* v. *City of N. Y.,* 179 U. S. 552, in which four of the judges dissented from the majority opinion. That case decided that local decisions of a State Court could not abrogate maritime law, and that where the relation of master